

REMARKS

Claims 1 and 5-19 are pending and have been examined on the merits. Claim 16 is amended hereinabove. No new matter has been added.

In the Office Action, the claims are rejected as follows:

1. Claims 16-18 are rejected to under 37 C.F.R. § 112, ¶ 2 for allegedly being indefinite; and
2. Claims 1 and 5-19 are rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Bromberg et al. (U.S. Patent Application Publication No. 20030152623, hereinafter “Bromberg”) in view of Blum et al. (U.S. Patent No. 6,294,591, hereinafter “Blum”), Giammona et al. (Biochimica et Biophysica Acta, 1999, hereinafter “Giammona”) and Cavazza (U.S. Patent No. 6,013,670, hereinafter “Cavazza”).

Applicants respectfully traverse.

Rejection under 37 C.F.R. § 112, ¶ 2

Claim 16 is amended hereinabove to better define the claimed subject matter.

Accordingly, Applicants respectfully submit that the claim amendment renders the rejection under 37 C.F.R. § 112, ¶ 2 moot and request that the rejection be withdrawn.

Rejection under 37 C.F.R. § 103(a)

As previously submitted, the presently claimed invention is directed to anionic hydrogel matrixes obtained by chemical reticulation by means of irradiation of copolymers containing photoreticulable groups, wherein the photoreticulable groups are derived from the insertion of glycidyl methacrylate (GMA) and methacrylic anhydride (MA) in the side chain of PHEA in the presence of acid comonomers (*e.g.*, page , lines 15-23).

Bromberg does not disclose Applicants' invention. As admitted on page 7 of the Final Office Action issued on July 27, 2009 as well as on page 7 of this Office Action, Bromberg does not provide for the specific polyaspartamide derivatized polymers presently claimed. Further, it is respectfully pointed out to the Examiner that a plethora of suitable polymers are disclosed in Bromberg (*e.g.*, paragraphs [0087]-[0115]) for a total of 11 pages. Accordingly, Applicants submit that one skilled in the art would find no motivation to choose a poly-L-aspartic acid among the laundry list of components disclosed in Bromberg.

Blum does not add anything to the deficiencies of Bromberg. Blum only teaches that it is possible to form polymers with reactive side groups and it is completely silent with regard of PHEA.

Further, the reference relied upon for an obviousness rejection must be must be analogous to the field of Applicants' endeavor (MPEP § 2141.01(a)). On the contrary, Blum refers to a completely different field with regard to the presently claimed subject matter. That is, Blum provides for (1) teachings of radiation-curable coatings, paints, adhesives or impregnating compositions (*e.g.*, col. 1, lines 9-11); (2) blending monomers in order to establish basic properties in coating materials which are familiar to the person skilled in polymer chemist and paints expert (*e.g.*, col. 3, lines 63-65); and (3) polymers containing dihydrocyclopentadienyl groups (*e.g.*, Examples 1 and 3) which lead to a hard, glossy, solvent resistant coating (*e.g.*, col. 5, lines 32-33, col. 6, lines 63-64). Blum also teaches that depending upon the envisage of the application, the requirement in the choice of the polymer and monomers can differ greatly (*e.g.*, col. 3, line 39). However, among all of the various applications mentioned, none corresponds to the one presently claimed.

Accordingly, it is respectfully submitted that one skilled in the art of making drugs,

would not look at the teaching of a reference in the field of making paintings to make a drug formulation.

Giammona discloses the synthesis and characterization of new biodegradable hydrogels (*e.g.*, Abstract at page 29). However, Giammona is completely silent with regard PHEA derivatisable with GMA and MA.

Finally, Cavazza is irrelevant with regard to the presently claimed anionic hydrogel matrix. Cavazza only provides for the treatment of chronic inflammatory bowel diseases with lower alkanoyl L-carnitines (*e.g.*, col. 1, lines 6-10).

As such the combination of Bromberg with Blum, Giammona and Cavazza does not disclose all of the claimed limitations and, for the reasons set forth above, would not have rendered obvious the claimed subject matter to one skilled in the art. That is, Bromberg does not provide the motivation to choose a poly-L-aspartic acid among a list of components, Blum is silent with regard to PHEA and is not a reference analogous to the presently claimed invention and Giammona does not disclose PHEA derivatisable with GMA and MA.

Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. § 103(a) for allegedly being obvious is respectfully requested.

Conclusions

This response is being filed within shortened statutory period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as

incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP

Dated: July 26, 2010

/Silvia Salvadori/

Silvia Salvadori

Registration No. 48,265

LUCAS & MERCANTI, LLP

475 Park Avenue South

New York, New York 10016

Phone: 212-661-8000

Fax: 212-661-8002